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SPECIFIC GROUPS AND INDIVIDUALS: MINORITIES

Rights of persons belonging to national or ethnic, religious and linguistic minorities

Report of the Secretary-General

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I. INTRODUCTION

1. The Commission on Human Rights, at its fifty-fifth session, adopted resolution 1999/48 of 27 April 1999 entitled "Rights of persons belonging to national or ethnic, religious and linguistic minorities" by which the Commission urged States and the international community to promote and protect the rights of persons belonging to minorities as set out in the Declaration, recommended that the human rights treaty bodies, when considering reports submitted by States parties, give particular attention to the implementation of articles relating to the rights of persons belonging to minorities, called upon special representatives, special rapporteurs and working groups of the Commission to continue to give attention to situations involving minorities, called upon the Secretary-General to make available qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities, invited the High Commissioner to continue her efforts to improve the cooperation with United Nations programmes and agencies, and called upon the international community to participate actively in the work of the Working Group on Minorities.

2. The Commission on Human Rights also requested the Secretary-General to report to it at its fifty-sixth session on the implementation of the resolution. The present report, submitted to the Commission on Human Rights, is complementary to that of the Secretary-General submitted to the fifty-fourth session of the General Assembly (A/54/303).

II. TREATY BODIES

3. Since the preparation of the report to the General Assembly (A/54/303), the Committee on Human Rights and the Committee on the Rights of the Child have held one session. The committees have continued to monitor the observance by States parties of the relevant minority-specific rights, namely, article 27 of the International Covenant on Civil and Political Rights on the rights of persons belonging to minorities and article 30 of the Convention on the Rights of the Child, on the rights of children belonging to minorities.

4. With reference to a number of States parties' reports, the Committees adopted concluding observations which refer to issues in the field of minority protection and made recommendations calling on the respective Governments to adopt measures to improve the situation. In their concluding observations, the Committees welcomed the measures taken to promote the minority language, including in courts and for official business, and the transfer of certain cultural institutions to the minorities themselves.

5. With regard to a number of reports, the committees expressed concern in regard to the following: the lack of full respect for freedom of religion and belief in regard to persons of all religious convictions, the fact that the means of livelihood of minorities is not always respected, especially with regard to land use, the persistence of regional disparities in access to health care, high rates of malnutrition of children under five years of age and those of school age, especially among children belonging to minorities, the inadequate living conditions of children belonging to minorities, the lack of access of children belonging to minorities to education and the low relevance of bilingual educational programmes available to them, the notable disparities in results of educational performance of children from ethnic minorities, and the incidence of societal discrimination against children belonging to ethnic minorities.

6 In their concluding observations, the relevant committees recommended to States parties that they develop training programmes for local officials and other decision makers so that they can adequately take into consideration the children's opinions presented to them, with particular emphasis on involving and reaching vulnerable groups such as children of ethnic minorities, and that they take steps to prevent any discrimination against children or disparities in their treatment, including with regard to children belonging to religious and ethnic minorities.

III. SPECIAL RAPPORTEURS

Independent expert on the situation of human rights in Somalia

7 The Special Rapporteur, Ms. Mona Rishmawi, in her report (E/CN.4/1999/103) mentioned that there exist several minority groups in Somalia, who are the main victims of the famine and civil war. Members of the Bantu minority are thought to descend from slaves brought to Somalia from other East African countries in the eleventh century and are considered a low-status ethnic group. The Bantu frequently suffer discriminatory practices and violence, are not allowed to mix with the rest of the population, are used for hard labour, and have less access to education and fewer economic opportunities than other Somalis. Their villages have been burnt and Bantu women have been raped. The independent expert also reported that the Rahanweyn minority, which lives on fertile agricultural land, has also been subjected to dispossession and displacement.

Special Rapporteur on the right to education

8 The Special Rapporteur, Ms. Katarina Tomasevki, in her report on her visit to Uganda from 26 June to 2 July 1999 (E/CN.4/2000/6/Add.1) referred specifically to the content of educational curriculum and textbooks used in the primary school curriculum. In this connection, the Special Rapporteur expressed concern about the portrayal of Uganda's racial, ethnic, religious and linguistic diversity in textbooks. She mentioned that the revival of traditional kingdoms (Buganda, Toro and Bunyoro) in 1993 opened the way for the recognition of cultural diversity, which had been artificially abolished in 1967. These are well portrayed in children's textbooks. There is, however, no recognized minority status for any community in Uganda, and nomadic communities are routinely the subject of criticism in the mass media for their backwardness and are often blamed for constituting an obstacle to development. They are largely absent from textbooks. Furthermore, the Special Rapporteur reported that there was no evidence that Uganda was addressing the multilayered problems of its multiracial and multi-ethnic diversity.

IV. WORKING GROUP ON MINORITIES OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

9 From 25 to 31 May 1999, the Working Group on Minorities, established by the Commission on Human Rights in 1995 by its resolution 1995/24, held its fifth session in Geneva. The Working Group has carried on its work in accordance with the mandate entrusted to it, namely: to review the promotion and practical realization of the 1992 Declaration on the Rights

of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, examine possible solutions to problems involving minorities, and recommend further measures for the promotion and protection of their rights

10 During its fifth session, the contributions, through oral presentations and working papers, promoted a better understanding of some of the principles contained in the Declaration, with particular emphasis on the right of minorities to effective participation and the role of multicultural and intercultural education in protecting minorities The Commentary to the Declaration drafted by the Chairman-Rapporteur, Mr Asbjørn Eide, as well as the working papers prepared on thematic issues, including citizenship and the minority rights of non-citizens, universal and regional mechanisms for minority protection and the future role of the Working Group, were discussed in detail The Working Group adopted a series of recommendations, including the preparation of a manual containing the text of the Declaration and an explanatory note on the procedures and mechanisms by which members of minorities could address regional and international organizations with their concerns, the holding of regional seminars on thematic issues, the strengthening of cooperation with United Nations agencies and programmes in the field of minority protection, the development of a database on minorities, and the enhancement of its methods of work

11 During the period under review, the Working Group on Minorities held two expert seminars in accordance with its recommendations adopted at its fourth session to hold seminars on themes of particular concern as a means to arrive at concrete proposals on ways in which Governments could give effect to the relevant principles contained in the Declaration

12 The first seminar was held from 30 April to 2 May 1999 in Flensburg, Germany It was organized by the European Centre for Minority Issues and the Working Group on Minorities as a regional Central and East European expert seminar on the effective participation of minorities The overall objective of the seminar was to arrive at concrete proposals on ways in which Governments could give effect to articles 2 2 and 2 3 of the Declaration in the area of the effective participation by persons belonging to minorities in public life as well as in decisions that concern them, both at the national and at the regional level The themes identified for the seminar focused on the various mechanisms within States to enable political participation of minorities, and the non-institutional conditions which provide an enabling environment for minorities to participate effectively The proposals adopted by the participants took into account the needs and aspirations of different types of minority groups and focused in particular on representation in legislative, administrative and advisory bodies, citizenship issues and electoral rights, participation at decision-making levels, and further conditions for participation, including that of the Roma minority

13 The second seminar was held from 29 September to 2 October 1999 in Montreal, Canada It was organized by the Centre d'etudes sur le droit et la mondialisation and the Working Group on Minorities, bringing together approximately 60 experts, including the members of the Working Group, experts in the area of intercultural education, representatives of federal and national institutions, and representatives from academic institutions and non-governmental organizations from Canada and other countries The aim of the seminar was to discuss the issue of intercultural and multicultural education in the light of articles 4 3 and 4 4 of the Declaration The participants discussed the protection of the rights of minorities within the framework of the

United Nations, the role of intercultural education in fostering social cohesion, education in the mother tongue, the right to manage educational institutions, and the principle of non-discrimination in the area of education. The participants agreed that intercultural education as a separate area of concern of the State has major relevance for public policy in education in furthering social cohesion and inclusiveness. The conclusions and recommendations of the seminar referred to the need to reflect, in educational curricula, the history and culture of all groups within society, the participation of all groups in educational policy and programmes, the teaching of the mother tongue, the role of reconciliation processes through education, as well as the establishment of government working groups in Canada to develop federal and provincial policy regarding educational policy, programmes and practices.

14 The comprehensive report of the Working Group at its fifth session is contained in document E/CN.4/Sub.2/1999/21.